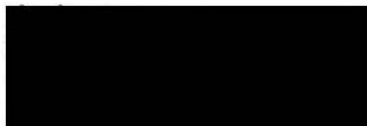


EXHIBIT B

**Notice of Intent to Deny Reinstatement
Request Issued by USCIS May 5, 2017,
equating SEVIS termination to lack of
status**

**U.S. Citizenship
and Immigration
Services**

Date: MAY 05 2017

Refer to file no. : **NOTICE OF DECISION**

This notice is in reference to the Form I-539, Application to Extend/Change Nonimmigrant Status, which you filed with U.S. Citizenship and Immigration Services (USCIS) on October 17, 2016, requesting reinstatement to F-1 student status under 101(a)(15)(F) of the Immigration and Nationality Act (INA).

In order to be reinstated to F-1 student status, an applicant must prove that he or she meets the following requirements:

Title 8 of the Code of Federal Regulations (8 C.F.R.) 214.2 (f)(16)(i) states:

Reinstatement to student status.

General. The district director may consider reinstating a student who makes a request for reinstatement on Form I-539, Application to Extend/Change Nonimmigrant Status, accompanied by a properly completed SEVIS Form I-20 indicating the DSO's recommendation for reinstatement (or a properly completed Form I-20A-B issued prior to January 30, 2003, from the school the student is attending or intends to attend prior to August 1, 2003). The district director may consider granting the request if the student:

- (A) Has not been out of status for more than 5 months at the time of filing the request for reinstatement (or demonstrates that the failure to file within the 5 month period was the result of exceptional circumstances and that the student filed the request for reinstatement as promptly as possible under these exceptional circumstances);
- (B) Does not have a record of repeated or willful violations of Service regulations;
- (C) Is currently pursuing, or intending to pursue, a full course of study in the immediate future at the school which issued the Form I-20;
- (D) Has not engaged in unauthorized employment;
- (E) Is not deportable on any ground other than section 237(a)(1)(B) or (C)(i) of the Act; and
- (F) Establishes to the satisfaction of the Service, by a detailed showing, either that:

(1) The violation of status resulted from circumstances beyond the student's control. Such circumstances might include serious injury or illness, closure of the institution, a natural

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disaster, or inadvertence, oversight, or neglect on the part of the DSO, but do not include instances where a pattern of repeated violations or where a willful failure on the part of the student resulted in the need for reinstatement; or

(2) The violation relates to a reduction in the student's course load that would have been within a DSO's power to authorize, and that failure to approve reinstatement would result in extreme hardship to the student."

8 C.F.R. 103.2(a)(1) state in pertinent part:

Every benefit request or other document submitted to DHS must be executed and filed in accordance with the form instructions, notwithstanding any provision of 8 CFR Chapter 1 to the contrary, and such instructions are incorporated into the regulations requiring its submission...

The instructions for Form I-539 Instructions state in pertinent part the following about initial evidence for F-1 reinstatement requests:

To request a change to F-1 status or apply for reinstatement as an F-1 student . . . Your application must include your original Form I-20, Certificate of Eligibility for Nonimmigrant Student issued by the school where you will study...

You seek reinstatement to F-1 student status to attend Madison Area Technical College. You submitted a Student and Exchange Visitor Information System (SEVIS) Form I- 20 for reinstatement signed by a Designated School Official (DSO) on September 14, 2016. Your SEVIS record shows that your status was terminated on September 8, 2014. Your application was not stamped as received and properly filed until October 17, 2016.

With your I-539 application you did not submit a statement explaining why you were out of status over five months at the time you filed this application. As such, USCIS requested that you submit, among other documentation a detailed explanation as to why you failed to file within the five month period. In response to the RFE, you submitted a statement explaining that you were out of status over five months at the time you filed this application because when you applied to attend Madison Area Technical College in September of 2014, you did not know that you needed a Form I-20. However, before attending Madison Area Technical College, in May of 2014, you applied to attend Florida Southern College and then you obtained a Form I-20. You did not obtain proper permission to withdraw from Florida Southern College to attend Madison Area Technical College.

You did not submit sufficient explanation for being out of status over five months at the time you filed this application or any documentary evidence to demonstrate that the failure to file within the five-month period was the result of exceptional circumstances and that you filed the request for reinstatement as promptly as possible under these exceptional circumstances.

Based on the evidence presented above, you do not appear to be eligible for reinstatement to F-1 student status due to your untimely filing of your reinstatement application. Pursuant to INA 291, the burden of proof in these proceedings rests solely with you, the applicant. As such, your application is denied for the above-stated reason.

This decision leaves you without lawful immigration status, and you are therefore present in the United States in violation of the law. You are required to depart the United States. Remaining in the United States without authorization may affect your ability to return to the United States in the future.

There is no appeal to this decision. However, pursuant to 8 CFR 103.5, a motion can be filed on Form I-290B. Such motion must be accompanied by the proper fee and filed within 30 days of this notice. In


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addition, pursuant to 8 C.F.R. 103.8(b), three days shall be added to the prescribed 30-day period when a USCIS notice is served by mail.

For questions concerning immigration services and benefits, you may call 1-800-375-5283 or for TTY 1-800-767-1833.

Sincerely,



Kathy A. Baran
Director, California Service Center